

LAR 131. CLAIMS AND INTERVENTION

(a) Claims and Intervention After Arrest, Attachment or Garnishment. When property has been arrested, attached, or garnished, and is in the custody of the marshal or custodian substituted therefore, unless otherwise ordered by a judicial officer anyone having a claim against the property may present the claim only by filing a claim to the property pursuant to Supplemental Rule B or C as appropriate and by filing a complaint in intervention pursuant to Fed.R.Civ.P. 24. Such a claim shall not be presented by filing an original complaint.

(b) Claims and Intervention Before Judgment In Rem. Before any judgment in rem is entered pursuant to Local Admiralty Rule 130, the claimant/intervenor may move for intervention. The claimant/intervenor shall serve copies of the motion, the proposed order permitting intervention and of the complaint in intervention on every other party that has appeared in the action. Any such party may object to the intervention by serving and filing a motion to vacate within ten days after receipt of the motion and the complaint in intervention.

(c) Claim and Intervention After Judgment In Rem. After judgment in rem has been entered, motions for intervention shall not be presented ex parte.

(d) Rights of Claimant/Intervenor. Upon entry of an order permitting intervention, whether before or after a judgment in rem, the clerk shall forthwith deliver uncertified copies of the order and of the complaint in intervention to the marshal who shall deliver the copies to the custodian of the property. The claimant/intervenor will thereafter be subject to the rights and obligations of parties and the property shall stand arrested, attached or garnished by the claimant/intervenor. A claimant/intervenor shall not be required to advance an initial deposit to the marshal for seizure of the property, but may be required to post a deposit by subsequent order of the court. Upon motion by any party, a judicial officer may order that security deposits or deposits for marshal's fees and expenses of custody be paid or shared by any party who has arrested, attached or garnished property, including parties claiming and intervening as provided herein, such payment or sharing to be in amounts or proportions as determined by the judicial officer.

[Effective May 1, 1992; amended effective July 1, 1997.]